

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.27059 of 1999

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Dated 12th day of June, 2007

Between:

P. Sridhar Babu
Petitioner

..

And

The District Collector,
Cuddapah District
and four others
Respondents

..

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ORDER:

This writ petition is filed seeking a mandamus to declare the Resolution No.2029, dated 25.9.1999 passed by the Cuddapah Municipal Council, which is represented by the 2nd respondent, as arbitrary and illegal.

The petitioner asserts that his grandfather Late Palem Muddukrishnaiah Naidu was the Chairman of Cuddapah Municipality in the year 1919. During the period, he donated a valuable piece of land situated in Cuddapah Town to the Cuddapah Municipality for the purpose of developing Fine Arts Theatre constructed by him. Later, the premises consisting of Cinema Theatre was leased out till 1984. Thereafter, the Municipality constructed a shopping complex by demolishing the existing Auditorium/Theatre. Now, the petitioner's grievance is that the Chair- Person of Cuddapah Municipality having colluded with the Commissioner and certain persons to grab the property, passed the Resolution dated 25.9.1999 in favour of one Palem Muralikrishna Naidu allotting Shop No.25 which was constructed by the Municipality, free of cost after exempting it from the public auction.

Heard the learned counsel for both the parties and perused the material placed on record.

According to the petitioner, Palem Muddukrishnaiah Naidu is the owner of the land in which shopping complex was constructed and the petitioner is his grandson. However, on a representation given by Palem Muralikrishna Naidu stating that he is one of the ancestors of Muddukrishnaiah Naidu, the Cuddapah Municipal Council passed the Resolution allotting Shop No.25, free of rent and goodwill to Palem Muralikrishna Naidu. It is also stated in that Resolution that it is only after obtaining permission from the Government by exempting the shop

from auction, the same was allotted.

In the light of the observation made by the Council in its Resolution, this Court is of the view that the relief sought for cannot be granted and accordingly, the writ petition is dismissed. However, it is left open to the petitioner to approach the Cuddapah Municipal Council, if he so chooses, and put forth all his objections as to how Palem Muralikrishna Naidu is not entitled to the allotment of shop No.25 free of rent and goodwill. No costs.

bcj

12.06.2007